

Reply to Non-Final Office Action
Attorney Docket No.: KMG1097-US1
U.S. Serial No.: 10/670,981

REMARKS

Applicants have carefully reviewed and considered the current Office Action and the references cited therein. No claims are amended; Claims 15-20 are herein canceled; and Claims 28 and 29 are added. As a result, Claims 12-14, 28, and 29 are now pending in this application.

Rejection of Claims 12, 13, and 19 under 35 U.S.C. §102(b)

The Examiner has rejected Claims 12, 13, and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,301,651 issued to Cocchiara et al. ("Cocchiara"). In support of this rejection, the Examiner asserts the following:

The Cocchiara elbow as shown in figs. 12 and 13 (see below) illustrates the present invention with a cylindrical body and tangential inlets outlets wherein the body includes a liner 40 and the inlets and outlets also include liners 42. The liners can be removed by any number of means.

In response to Applicants arguments filed August 10, 2005, the Examiner further states:

Applicant asserts Cocchiara et al does not teach or suggest that at least one end of the cylindrical body is removably attached, arguing that as the ends are welded they are permanently attached and not removably attached as required by the claims. In response, a welded attachment does not equate to an irremovably attachment. The ends could be removed by mechanical means (e.g., a cutting means).

Applicant also asserts Cocchiara et al does not teach or suggest that the liners are removable. Similarly, the liners are removable liners insofar as they could be removed by force (via mechanical means).

Applicants respectfully traverse this rejection.

Applicants reassert that Cocchiara does not teach or suggest that at least one end of the cylindrical body is removably attached. One of ordinary skill in the art would not consider welding as a means for removably attaching. Although a welded end *may* be removed, it is not meant to be removed. Items that are welded, riveted, etc. are not intended to be removed for a very long time, if at all. Whether an end is removably attached or not generally turns on whether the attached end is meant to or intended to be removed, not whether it is physically possible to remove it. Anything *can* be removed if enough force is applied. See, K-2 Corp. v. Salomon, S.A., 191 F.3d 1356, 52 USPQ.2d 1001 (Fed. Cir. 1999) (removable screw attachments are not permanently affixed). See also, V-Formation v. Benetton SPA, Rollerblade, Inc., 03-1408 (Fed. Cir. March 15, 2005) (citing K-2 Corp.). The court in K-2 Corp differentiated removable from permanently affixed by stating "Screws, unlike rivets and laminates, are meant to be unscrewed,

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that is, to be removed. A rivet or a laminate, to the contrary, is meant to remain permanent, unremovable unless one is bent on breaking the permanent structure apart.”

Unlike the present invention, there is no teaching or suggestion in Cocchiara that an end or the liners are meant to be removed. The present invention contemplates liners needing to be replaced due to contact with corrosive fluid streams or abrasive fluid streams. Replacing worn liners requires one or more ends to be removably attached. That is, the ends are meant to be removed. The internal lining in Cocchiara, on the other hand, is provided to aid in heat retention. There is no suggestion that these internal linings will need to be inspected or replaced. In fact, Cocchiara teaches away from the present invention in the sense that Cocchiara teaches that the internal lining can be attached by crimping the thin stainless steel lining. Removing the lining would require that the steel be uncrimped. Crimping and uncrimping steel would cause the steel (i.e., the lining) to weaken and eventually break. It is highly doubtful that Cocchiara intended to break the lining by removing it for inspection.

Cocchiara does not teach or suggest limitations of Claims 12 & 13. Claim 19 has been herein canceled. Accordingly, Applicants assert that Claims 12 & 13 are in condition for allowance.

Rejection of Claims 14 and 20 under 35 U.S.C. §103(a)

The Examiner has rejected Claims 14 and 20 under 35 U.S.C. §103(a) as being unpatentable over Cocchiara in view of U.S. Patent No. 4,554,721 issued to Carty et al. (“Carty”). Applicants respectfully traverse the rejection.

Claim 14 is dependent from Claim 12 and Applicants assert that Claim 14 is patentable over Cocchiara in view of Carty for the same reasons (stated above) that Claims 12 and 13 are in condition for allowance. Claim 20 has been herein canceled. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Rejection of Claims 15-17 under 35 U.S.C. §103(a)

The Examiner has rejected Claims 15-17 under 35 U.S.C. §103(a) as being unpatentable over Cocchiara in view of U.S. Patent No. 255,427 issued to Forman (“Forman”). This rejection is now moot as Claims 15-17 have been herein canceled.

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Rejection of Claim 18 under 35 U.S.C. §103(a)

The Examiner has rejected Claim 18 under 35 U.S.C. §103(a) as being unpatentable over Cocchiara in view of Forman as applied to Claim 17, and further in view of Carty. This rejection is now moot as Claim 18 has been herein canceled.

Newly Added Claims

Claims 28 and 29 have been herein added. Applicants assert that the cited art taken alone or together does not teach or suggest Claims 28 & 29. Cocchiara does not teach or suggest a piping elbow comprising two substantially-identical components. Also, Cocchiara does not teach or suggest the need for removable liners as discussed above in regards to Claims 12-14. Forman teaches two similar components, but does not teach or suggest two-substantially identical components. In Forman, one component has a flanged rim E and the other component does not. Also, one component has a downward projection J having a screw-thread to receive the end K of a bolt G. The other component has a socket or depression I into which a washer of lead, rubber, or other similar material is fitted.

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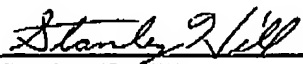
CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested.

If the Examiner believes that a telephone conversation with the Applicants' representative would facilitate prosecution of this application in any way, the Examiner is cordially invited to telephone the undersigned at (508) 303-2003. If necessary, please apply any additional fees, or credit overpayments, to Deposit Account 50-2295.

Respectfully submitted,

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Reg. No.: 37,548



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The undersigned hereby certifies that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service, with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Stanley K. Hill

Date: January 25, 2006